

CHAPTER 230

BOARDS OF ARBITRATION

H. F. 48

AN ACT to amend, revise and codify sections eight hundred sixty-four (864), eight hundred sixty-five (865), eight hundred sixty-eight (868) and eight hundred seventy-one (871) of the compiled code of Iowa, relating to boards of arbitration.

Be it enacted by the General Assembly of the State of Iowa:

That sections eight hundred sixty-four (864) and eight hundred sixty-five (865) of the compiled code of Iowa are amended, revised and codified to read as follows:

1 **SECTION 1. Petition for appointment.** When any dispute arises
2 between any person, firm, corporation or association of employers and
3 their employees or association of employees, of this state, except em-
4 ployers or employees having trade relations directly or indirectly
5 based upon interstate trade relations operating through or by state
6 or international boards of conciliation, which has or is likely to cause
7 a strike or lockout, involving ten (10) or more wage earners, and
8 which does or is likely to interfere with the due and ordinary course
9 of business, or which menaces the public peace, or which jeopardizes
10 the welfare of the community, and the parties thereto are unable to
11 adjust the same, either or both parties to the dispute, or the mayor
12 of the city, or the chairman of the board of supervisors of the county
13 in which said employment is carried on, or on petition of any twenty-
14 five (25) citizens thereof over the age of twenty-one (21) years, or
15 the labor commissioner, after investigation, may make written appli-
16 cation to the governor for the appointment of a board of arbitration
17 and conciliation, to which board such dispute may be referred under
18 the provisions of this chapter; and the manager of the business of
19 any person, firm, corporation or association of such employers, or any
20 organization representing such employees, or if such employees are
21 not members of any organization, then a majority of such employees
22 affected may make the application as provided in this chapter, but
23 in no case shall more than twenty (20) employees be required to join
24 in such application.

[C. C. 864.]

1 **SEC. 2. Notification by governor—appointment.** The governor
2 shall at once upon application made to him as herein provided, and
3 upon his being satisfied that the dispute comes within the provisions
4 of the preceding section, notify the parties to the dispute of the
5 application for the appointment of a board of arbitration and con-
6 ciliation and make request upon each party to the dispute that each
7 of them recommend within three (3) days from the date of notice,
8 the names of five (5) persons who have no direct interest in such
9 dispute and are willing and ready to act as members of the board,
10 and the governor shall appoint from each list submitted one (1) of
11 such persons recommended. Should either of the parties fail or
12 neglect to make any recommendation within the said period, the
13 governor shall, as soon thereafter as possible, appoint a fit person

14 who shall be deemed to be appointed on the recommendation of the
15 parties in default. The members of the board so appointed shall
16 within five (5) days of their appointment recommend to the governor
17 the name of one (1) person who is ready and willing to act as a third
18 member of the board, and upon failure or neglect upon their part to
19 make such recommendation within the said period, or upon the failure
20 or refusal of the person so recommended to act, the governor shall
21 as soon thereafter as possible appoint some person to act as the third
22 member of the board.

[C. C. 865.]

That section eight hundred sixty-eight (868) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 **SEC. 3. Evidence—witnesses.** For the purpose of this inquiry the
2 board shall have all the powers of summoning before it and enforcing
3 the attendance of witnesses, of administering oaths and of requiring
4 witnesses to give evidence, to produce books, papers and other docu-
5 ments or things as the board may deem requisite to the full investiga-
6 tion of the matters into which it is inquiring, as is vested in the
7 district court in civil cases. Any member of the board may adminis-
8 ter an oath, and the board may accept, admit and call for such evi-
9 dence as in equity and good conscience it thinks material and proper,
10 whether strictly legal evidence or not.

[C. C. 868.]

1 **SEC. 4. Subpoenas—by whom served—fees.** A subpoena or any
2 notice may be delivered or sent to any sheriff, constable, or any police
3 officer who shall forthwith serve the same, and make due return
4 thereof, according to directions. Witnesses in attendance and officers
5 serving subpoenas or notices shall receive the same fees as are allowed
6 in the district court, payable from the state treasury, upon the cer-
7 tificate of the board that such fees are due and correct. The board
8 shall have the same power and authority to maintain and enforce
9 order at the hearings and obedience to its writs of subpoena as is by
10 law conferred upon the district court for like purposes.

[C. C. 868.]

That section eight hundred seventy-one (871) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 **SEC. 5. Report to governor.** Within five (5) days after the com-
2 pletion of the investigation, unless the time is extended by the gov-
3 ernor for good cause shown, the board or a majority thereof shall
4 render a decision, stating such details as will clearly show the nature
5 of the controversy and the point disposed of by them, and make a
6 written report to the governor of their findings of fact and of their
7 recommendation to each party to the controversy.

[C. C. 871.]

1 **SEC. 6. Decision filed with governor—evidence preserved.** Every
2 decision and report shall be filed in the office of the governor, and a
3 copy served upon each party to the controversy, and a copy furnished
4 to the labor commissioner for publication in the report of the com-
5 missioner, who shall cause such decision and report to be published

6 at a rate of not to exceed thirty-three and one-third cents (33-1/3c)
7 per ten (10) lines of brevier type or its equivalent, in two (2) news-
8 papers of general circulation in the county in which the business is
9 located upon which the dispute arose. All evidence taken and exhibits
10 and documents offered shall be carefully preserved and at the close of
11 the investigation shall be filed in the office of the governor of the
12 state and shall only be subject to inspection upon his order.

[C. C. 871.]

Approved February 5, A. D. 1923.

CHAPTER 231

FENCES

H. F. 56

AN ACT to amend, revise and codify section eleven hundred ninety-nine (1199) of the compiled code of Iowa, relating to fences.

Be it enacted by the General Assembly of the State of Iowa:

That section eleven hundred ninety-nine (1199) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 **SECTION 1. Lawful fence defined.** A lawful fence shall consist of:
2 1. Three (3) rails of good substantial material fastened in or to
3 good substantial posts not more than ten (10) feet apart.
4 2. Three (3) boards not less than six (6) inches wide and three-
5 quarters (¾) of an inch thick, fastened in or to good substantial
6 posts, not more than eight (8) feet apart.
7 3. Three (3) wires, barbed with not less than thirty-six (36) iron
8 barbs of two (2) points each, or twenty-six (26) iron barbs of four
9 (4) points each, on each rod of wire, or of four (4) wires, two (2)
10 thus barbed and two (2) smooth, the wires to be firmly fastened to
11 posts not more than two (2) rods apart, with not less than two (2)
12 stays between posts or with posts not more than one (1) rod apart
13 without such stays, the top wire to be not more than fifty-four (54)
14 nor less than forty-eight (48) inches in height.
15 4. Wire either wholly or in part, substantially built and kept in
16 good repair, the lowest or bottom rail, wire or board not more than
17 twenty (20) nor less than sixteen (16) inches from the ground, the
18 top rail, wire or board, to be between forty-eight (48) and fifty-four
19 (54) inches in height and the middle rail, wire or board not less than
20 twelve (12) nor more than eighteen (18) inches above the bottom
21 rail, wire or board.
22 5. Any other kind of fence, which, in the opinion of the fence
23 viewers, shall be equivalent thereto.

[C. C. 1199.]

1 **SEC. 2. Sheep and swine tight fences.** All partition fences may
2 be made tight by the party desiring it, and when his portion is so